IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

Crl.Rev.Pet.No. 469 of 2000()

CRA.115/1997 of SESSIONS COURT, KASARAGOD
CC.749/1995 of JUDL.MAGISTRATE OF FIRST CLASS-I, HOSDRUG

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REVN. PETITIONER: APPELLANT/ACCUSED

A.T.ACHUTHAN
S/O.RAMAN
ATTAKAD, HARIPURAM
PULLUR VILLAGE, HOSDURG TALUK
KASARAGOD DISTRICT.

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR
SRI.SHIRAZ ABDULLA

RESPONDENTS: COMPLAINANT

STATE OF KERALA
REPRESENTED BY THE STATE PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.2666/2000 IN CRL.R.P.NO.469/2000

DISMISSED

17.8.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.469 of 2000

Dated this the 17th day of August, 2007

O R D E R

The revision petitioner stands convicted and sentenced to undergo R.I. for one year and to pay a fine of Rs.1,000/- and in default, to undergo R.I for a period of three months for the offence under Section 332 IPC and to undergo R.I. for one month for the offence under Section 294(b) IPC.

2. The prosecution case is that the accused on 12.8.1995 at about 4.30 p.m., voluntarily caused hurt to PW1, a police constable, who was on duty at Kottachery Municipal bus stand.

3. The evidence adduced in the matter consisted of the testimony of PWs' 1 to 10 and Exts. P1 to P7.

4. The appellate court confirmed the conviction and sentence. It is submitted by the counsel for the revision petitioner and also mentioned in the memorandum of revision that the appeal was posted for hearing on 25.5.2000. On that day the counsel for the appellant who was practicing at Kanhangad instructed one of his colleague to take adjournment on account of

the personal inconvenience of the counsel. Unfortunately the colleague of the appellant's counsel could not reach Kasaragod in time and the learned Sessions Judge was pleased to post the appeal for judgment to 30.5.2000 and accordingly judgment was pronounced on 30.5.2000. The learned Judge confirmed the conviction and sentence passed by the lower court. I find that the appellate court has disposed of the matter in just 4 sentences in paragraph 3 of the judgment. Evidently the statement of the counsel for the revision petitioner is true. In the circumstances, the order of the lower appellate court is herewith set aside. The court below is directed to hear the parties and dispose of the matter by a reasoned order. The matter will stand posted before the court below on 24.9.2007.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl